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STATE OF CALIFORNIA

DEPARTMENT OF RESOURCES RECYCLING & RECOVERY

In the matter of:	}	ADMINISTRATIVE DECISION
PARKHOUSE TIRE SERVICE, INC.		PURSUANT TO STIPULATION FOR
		WASTE TIRE HAULER
		ADMINISTRATIVE PENALTIES
TPID NO: 1000089-01	}	AGENCY NO: 2010-011110-ADA
RESPONDENT.		OAH NO: 2010-120059

INTRODUCTION

The California Department of Resources Recycling and Recovery (CALRECYCLE) has authority to regulate and conduct enforcement action regarding Waste Tire Haulers within the State of California under Public Resources Code (PRC) section 42962 et seq., and attendant regulations contained in 14 California Code of Regulations (CCR).

PARKHOUSE TIRE SERVICE, INC. (RESPONDENT) was served with the Administrative Complaint for Waste Tire Hauler Administrative Penalties (Administrative Complaint) on October 28, 2010. To avoid the uncertainties of litigation, RESPONDENT negotiated a STIPULATION FOR ISSUANCE OF ADMINISTRATIVE DECISION FOR WASTE TIRE HAULER ADMINISTRATIVE PENALTIES (Stipulation) to resolve the issues contained in the Administrative Complaint.

1 The Parties agreed to the attached Stipulation. Pursuant to the Stipulation, and
2 good cause appearing therefore, the following Stipulated Factual Findings and Legal
3 Conclusion are made, and the following Order is issued:

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5 **STIPULATED FACTUAL FINDINGS**

6 1. The Administrative Complaint was executed by HEATHER L. HUNT, Staff
7 Counsel III, CALRECYCLE, acting in her official capacity.

8 2. As detailed in the Administrative Complaint:

- 9 a. On at least one occasion RESPONDENT failed to comply with PRC
10 section 42951(a), by engaging in the transportation of more than
11 nine waste tires without holding a valid Waste Tire Hauler
12 Registration issued by CALRECYCLE, and without falling under a
13 specific exemption listed in PRC section 42954.
- 14 b. On at least one occasion RESPONDENT failed to comply with PRC
15 section 42951(a), by engaging in the transportation of more than
16 nine waste tires without holding a valid Waste Tire Hauler
17 Registration issued by CALRECYCLE, and without falling into a
18 specific exemption listed in PRC section 42954.
- 19 c. RESPONDENT failed to comply with PRC section 42961.5(c)(2) by
20 failing to submit Comprehensive Trip Logs (CTLs) to
21 CALRECYCLE on a quarterly schedule on 23 separate occasions
22 from March 13, 2009, through April 23, 2010,
- 23 d. RESPONDENT failed to comply with 14 CCR section 18459.2.1 by
24 failing to submit CTLs to CALRECYCLE within 90 days of the load
25 shipment on the same 23 separate occasions from March 13, 2009,
26 through April 23, 2010.
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1 **STIPULATED CONCLUSIONS OF LAW**

2 3. RESPONDENT is in violation of PRC section 42961.5 as well as 14 CCR
3 section 18459.2.1. CALRECYCLE's authority to assess administrative penalties against
4 RESPONDENT is set forth in PRC section 42962 et seq., and in 14 CCR section 18464.

5 4. Pursuant to 14 CCR section 18464, the penalty tables for waste tire
6 facilities, the penalty of twenty-four thousand dollars (24,000.00) is within
7 CALRECYCLE's discretion.

8 **ORDER**

9 CALRECYCLE approves of, and adopts the terms of the Stipulation, and the
10 following Order is hereby made:

11 Pursuant to the terms and conditions of the Stipulation, and subject to the
12 limitations hereunder, RESPONDENT shall pay the administrative penalty in the sum of
13 \$24,000 (twenty-four thousand dollars) to CALRECYCLE for the alleged violations set
14 forth in the Stipulation; provided, however, that \$13,500 (thirteen-thousand five-hundred
15 dollars) of the administrative penalty will be suspended and stayed for a period of two
16 (2) years. The stayed penalty will be deemed terminated and shall not be paid by
17 RESPONDENT to CALRECYCLE following the two (2) year period absent a default as
18 described below.

19 If RESPONDENT defaults on any of the terms set forth in paragraphs 15 through
20 18 of the Stipulation during the two (2) year period subsequent to the issuance of the
21 Administrative Decision, the stay will be lifted and RESPONDENT will owe
22 CALRECYCLE up to the full stipulated administrative penalty of \$24,000 (twenty-four
23 thousand dollars) less any payments already received by CALRECYCLE from
24 RESPONDENT.

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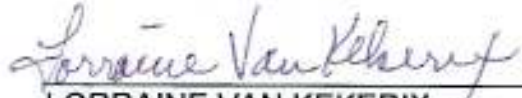
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1 PARKHOUSE TIRE SERVICE, INC. is ordered to pay the sum of \$10,500 (ten-
2 thousand five-hundred dollars) on or before the 30th day after the issuance of this
3 Administrative Decision in accordance with the Stipulation.

4 The DECISION shall become effective as of the date signed below:
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6 Dated this 19th day of July, 2011.

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8 LORRAINE VAN KEKERIX
9 DEPARTMENT OF RESOURCE,
10 RECYCLING AND RECOVERY
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